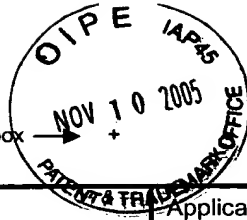


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HDP/SB/21 based on PTO/SB/21 (08-00)



ZZW
AKS

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/315,621
Filing Date	May 20, 1999
Inventor(s)	Ajay RAJKUMAR
Group Art Unit	2176
Examiner Name	Rachna Singh
Attorney Docket Number	29250-000881/US

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☒ Fee Attached

☐ Amendment

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to Group

☐ LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims)

☒ Appeal Communication to Group (Notice of Appeal, Brief, Reply Brief)

☐ Proprietary Information

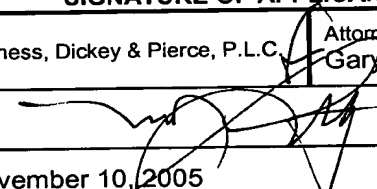
☐ Status Letter

☐ Other Enclosure(s) (please identify below):

Remarks

Mail Stop Appeal-Brief

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Gary D. Yacura	Reg. No.	35,416
Signature	 45,274				
Date	November 10, 2005				

FEE TRANSMITTAL for FY 2005

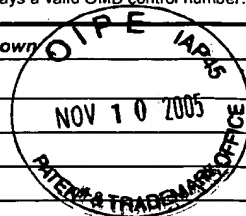
Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500

Complete if Known

Application Number 09/315,621
Filing Date May 20, 1999
First Named Inventor Ajay RAJKUMAR
Examiner Name Rachna Singh
Art Unit 2176
Attorney Docket No. 29250-000881/US



METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

08-0750

Deposit Account Name

Harness, Dickey & Pierce, PLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)					(\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	500
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$500)

4. SEARCH/EXAMINATION FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	
SUBTOTAL (4)					(\$0)

SUBMITTED BY

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35,416

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Signature

Date

November 10, 2005

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PATENT

THE U.S. PATENT AND TRADEMARK OFFICE

Appellant: Ajay RAJKUMAR
Application No.: 09/315,621
Art Unit: 2176
Filed: May 20, 1999
Examiner: Rachna Singh
For: DATABASE WITH LINKED AUDIO FILE
Atty. Dkt. No.: 29250-000881/US
Conf. No.: 6743

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22313
Mail Stop Appeal Brief – Patent

November 10, 2005

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Sir:

Appellant submit herewith their Brief on Appeal as required by 37 C.F.R. § 41.37.

11/14/2005 JADD01 00000024 09315621

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BRIEF ON BEHALF OF APPELLANT

In support of the Notice of Appeal filed on August 10, 2005, appealing the Examiner's final rejection mailed on May 23, 2005 of each of pending claims 1-20 of the present application which appear in the attached claims appendix (Section X), Appellant hereby provides the following remarks.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Lucent Technologies.

II. RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS

Claims 1-20 are pending in the application, with claims 1, 16 and 19 being independent.

Claims 1, 2, 13-17 and 19 remain finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogenis et al. (U.S. Patent No. 6,466,258) (hereinafter "Mogenis") in view of Maes et al. (U.S. Patent No. 6,016,476) (hereinafter "Maes").

Claims 6, 8, 9, 11, 18 and 20 remain finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogenis in view of Maes and further in view of Dockes et al. (U.S. Patent No. 5,974,004) (hereinafter "Dockes").

Claims 3 and 4 remain finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogenis in view of Maes and further in view of Dockes and DeMartin et al. (U.S. Patent No. 6,226,672) (hereinafter "DeMartin").

Claims 5 and 10 remain finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogenis in view of Maes and further in view of Kelly et al. (U.S. Patent No. 6,047,292) (hereinafter "Kelly").

Claims 7 and 12 remain finally rejected under 35 U.S.C. § 103 (a) over Mogenis in view of Maes and further in view of Akagiri (U.S. Patent No. 5,491,481).

Claims 1-20 are being appealed.

IV. STATUS OF AMENDMENTS

Prior to filing this Appeal Brief, Appellant filed an Amendment pursuant to 37 C.F.R. § 41.33 on November 9, 2005 to amend claims 1, 3, 4, 8, 16 and 19 for the sole purpose of clarifying the antecedent basis of the claimed term "financial record". The Examiner is expected to enter this Amendment pursuant to 37 C.F.R. § 41.33, as the Amendment presents rejected claims in better form for consideration on appeal. The claims in Appendix X reflect the status of the current claims without the November 9, 2005 amendment to add "financial record" to the claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention is directed to a database with a linked audio file and a method for linking an audio file to a database. Financial institutions such as brokerage houses and banks typically record conversations with clients.¹ For example, if a client requests a financial transaction, it may be beneficial to a financial institution to have the transaction request recorded in case a dispute with the client later arises.² Conventional recording methodologies typically store the recorded transactions in such a way as to require an employee to scan through the recorded conversations and determine when, chronologically the requested transaction was made.³ The employee searching method may be an extremely time consuming and expensive task.⁴

The inventors disclose a method of linking an audio file to a financial record in a database. Figure 1 (reproduced below) illustrates a system 100. Figure 2 (reproduced below) is a flow chart illustrating a method of linking an audio file to a database.

¹ See page 1, lines 10-12 of the Specification.

² See page 1, lines 12-17 of the Specification.

³ See page 1, lines 15-18 of the Specification.

⁴ See page 1, lines 18-19 of the Specification.

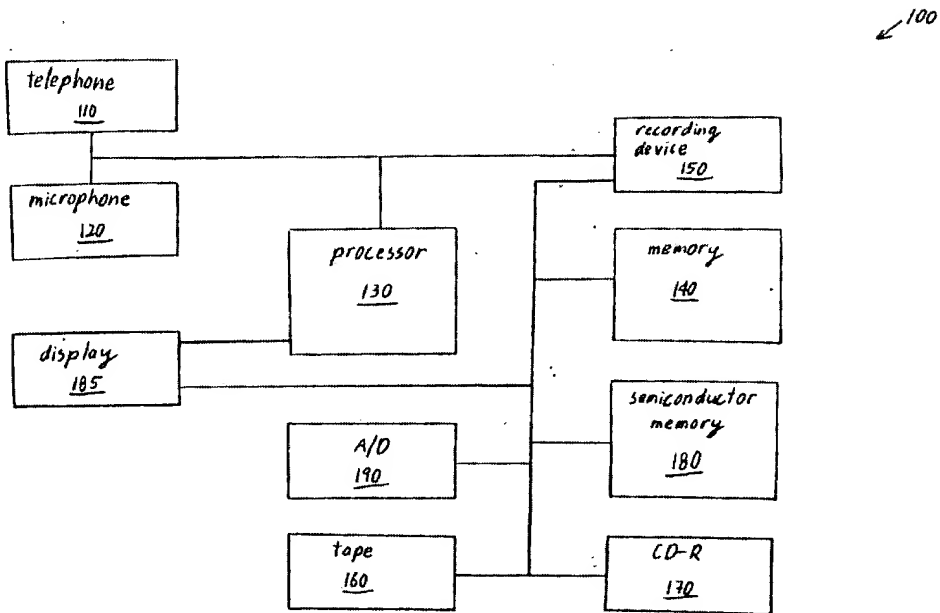


Figure 1

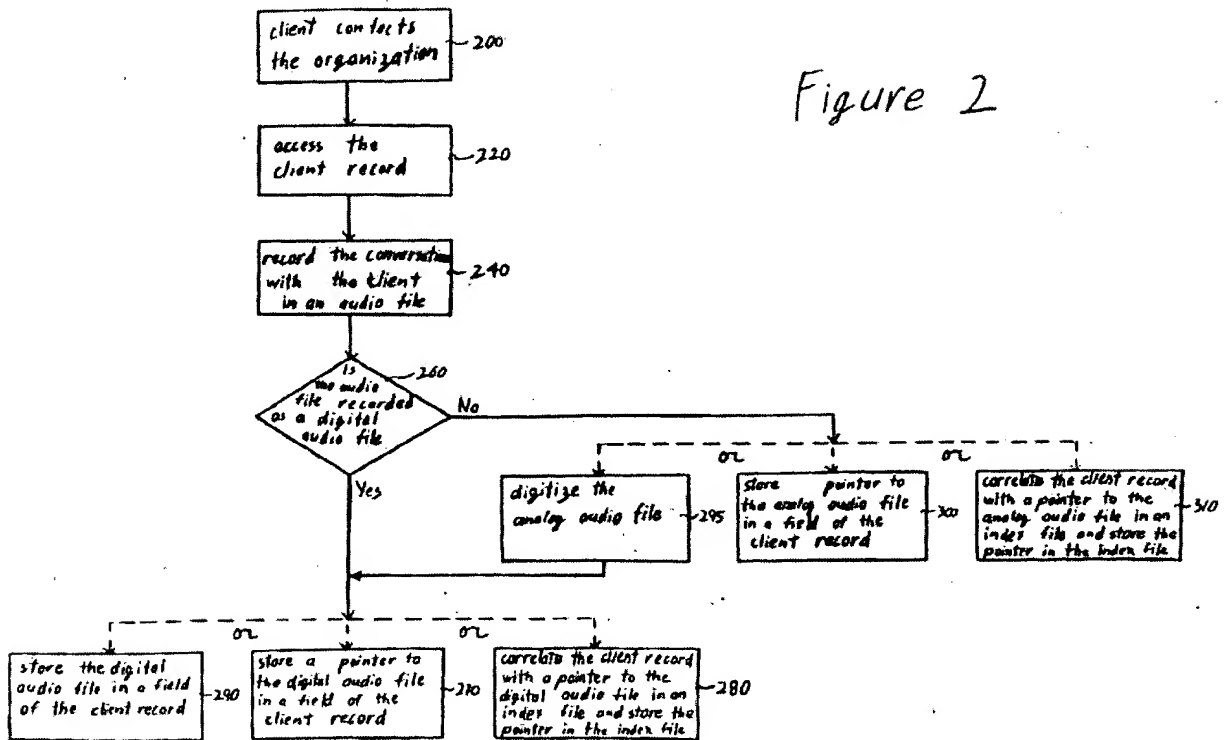


Figure 2

Referring to Figures 1 and 2, a client contacts an organization (200) to perform transactions related to the client's accounts and/or to acquire information about the client's accounts.⁵

After the client contact (200), a processor (e.g., processor 130 of Figure 1) accesses a client record related to the client (220).⁶ Typically, this is accomplished by obtaining information from the client and using the information to locate the client record.⁷ The information can be any identifier that makes the client recognizable to a system.⁸ For example, the identifier can be the client's personal identification number (PIN), the clients account number and/or a combination of identifiers.⁹ Obtaining information from the client can be accomplished in any well-known manner.¹⁰ For example, an operator may ask the client for information, a recorded message may ask the client to enter information either verbally or through a keyboard on the client's telephone, etc.¹¹

After the client's call is received, a recording device (e.g., recording device 150 of Figure 1) is turned on.¹² The recording device may be turned on before the processor accesses the client record, after the processor accesses the client record or concurrently with the processor accessing the client record.¹³ Alternatively, instead of turning on the recording device automatically for every call, the processor may be programmed to selectively turn on the recording device.¹⁴ In another alternative example, an operator selectively turns on the recording device at the operator's discretion.¹⁵

Once the recording device is turned on, the recording device 150 records (240) the conversation with the client in an audio file.¹⁶ Recording device 150 can be any recording device capable of recording the audio file and storing it on a recording media.¹⁷ The audio file can be recorded as an analog file and stored onto an analog recording media, such as a

⁵ See page 3, lines 3-4 of the Specification.

⁶ See page 3, lines 12-13 of the Specification.

⁷ See page 3, lines 13-14 of the Specification.

⁸ See page 3, line 15 of the Specification.

⁹ See page 3, lines 15-17 of the Specification.

¹⁰ See page 3, lines 17-18 of the Specification.

¹¹ See page 3, lines 18-20 of the Specification.

¹² See page 3, lines 27-28 of the Specification.

¹³ See page 3, lines 28-30 of the Specification.

¹⁴ See page 4, lines 1-2 of the Specification.

¹⁵ See page 4, lines 5-6 of the Specification.

¹⁶ See page 4, lines 7-8 of the Specification.

¹⁷ See page 4, lines 8-9 of the Specification.

tape; or the audio file can be recorded as a digital file and stored onto a digital recording media, such as a CD-R.¹⁸

System 100 then links the audio file to the client record.¹⁹ Several ways of linking the audio file and the client record are now described for illustrative purposes.²⁰

The system determines (260) whether the audio file is recorded as an analog or a digital file.²¹ In the case where the recording device 150 records the audio file as a digital audio file, the audio file may remain in the memory where it was originally recorded, or it may be moved to another memory.²² For example, the audio file can be moved to memory 140 which stores the database, or to a semiconductor memory 180.²³ The system generates a pointer, which is a set of data that represents a location in memory where the audio file is stored.²⁴ The pointer is then stored (270) in a field of the client record.²⁵ A set of data representing a time at which the audio file was recorded can be associated with the pointer and stored with the pointer.²⁶

The recorded audio file may then be linked to the client record. For example, if the recorded audio file is recorded in a digital format, the recorded audio file may remain in its original memory and/or moved to another memory.²⁷ The client record may store a pointer pointing to the memory location where the record audio file is stored (270), thereby linking the client record with the associated stored audio file. The recorded audio file may alternatively be indexed in an index file which correlates audio files to client records.²⁸ In another alternative example, the entire recorded audio file may be stored as a field in the actual client record.²⁹

In another alternative example, if the recorded audio file is recorded in an analog format, the recorded analog audio file may be stored in a variety of ways. For example, the audio file may remain in its initial recording medium (e.g., a tape).³⁰ Alternatively, the recorded analog audio file may be converted into a digital format where the converted digital

¹⁸ See page 4, lines 9-12 of the Specification.

¹⁹ See page 4, line 15 of the Specification.

²⁰ See page 4, lines 15-16 of the Specification.

²¹ See page 4, lines 17-18 of the Specification.

²² See page 4, lines 18-20 of the Specification.

²³ See page 4, lines 20-21 of the Specification.

²⁴ See page 4, lines 21-23 of the Specification.

²⁵ See page 4, line 23 of the Specification.

²⁶ See page 4, lines 23-25 of the Specification.

²⁷ See page 4, lines 17-20 of the Specification.

²⁸ See page 4, line 26- page 5, line 2 of the Specification.

²⁹ See page 5, lines 5-6 of the Specification.

³⁰ See page 5, lines 7-8 of the Specification.

audio file may be stored with any of the digital stored methodologies described above.³¹ The recorded analog audio file and/or the converted digital audio file may be linked to the client record in any of the variety of ways, including storing a pointer in the client record pointing to the audio file, storing the pointer in an index file correlating the pointer to the client record, and so on.

As described above, the present claimed invention is directed to a method of obtaining a client identifier (e.g., a PIN number) during a client contact (e.g., a telephone call), accessing a financial record (e.g., a client record) in a database (e.g., memory 140 of Figure 1), recording (e.g., with recording device 150 of Figure 1) at least a portion of the client contact as an audio file (e.g., an analog audio file, a digital audio file, etc.), storing the audio file on a recording media (e.g., a tape, a memory, a CD-R, etc.) and linking the audio file to the financial record (e.g., by storing the recorded audio file in a field of the financial record, by storing a pointer pointing to the stored audio file in the financial record, etc.)

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks the Board's review of the rejection of claims 1, 2, 13-17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of Maes; of claims 6, 8, 9, 11, 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of Maes and further in view Dockes; of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of Maes and further in view of Dockes and DeMartin; of claims 5 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of Maes and further in view of Kelly; and of claims 7 and 12 under 35 U.S.C. § 103(a)-over Mogenis in view of Maes and further in view of Akagiri.

³¹ See page 5, lines 9-10 of the Specification.

VII. ARGUMENTS

A. Claims 1, 2, 13-17 and 19 are not unpatentable over the combination of Mogenis in view of Maes.

As claims 1, 16 and 19 are allowable for features which are present in each claim, the arguments hereafter are directed to each of claims 1, 16 and 19, with claims 2-15, 17-18 and 20, dependent upon independent claims 1, 16 and 19, respectively, rising and falling together.

1. Claims 1, 16 and 19

The combination of Mogenis and Maes does not teach or suggest “accessing a financial record in the database using the client identifier”, “recording at least the portion of the client contact as the audio file” and “storing the audio file on a recording media” as recited in independent claims 1 and 16, and as similarly recited in independent claim 19.

Further, as will be discussed below, the Examiner has not established the requisite motivation to combine Mogenis and Maes.

a. MOGENIS DIRECTED TO EMERGENCY RESPONSE SYSTEM

Mogenis discloses a 911 real time information communication system. Mogenis attempts to overcome the limitation of speech being the only way to communicate with police during an emergency. Thus, Mogenis describes an emergency communications system that can transmit video and/or audio information from devices including security cameras, audio sensors, etc.³² Mogenis is silent as to how this information is stored. Mogenis states that:

“...the security center 14 may include a recording or archiving database or memory 212, which automatically records the video, audio, and/or other sensor information arriving at center 14 for later use by the responding emergency party, if required, or for evaluation. A playback arrangement 214 is illustrated as being coupled to memory 212.”³³

b. MOGENIS “ARCHIVE” UNRELATED TO CLIENT IDENTIFIER

Mogenis does not disclose or suggest that the archive 212 is related to a client identifier as required by the accessing step in claims 1, 16 and 19. Instead, Mogenis refers to a Recording/Archival means 212 (alternatively referred to as “memory 212”). For example, the Recording/Archival means 212 could refer to an unsigned temporary file, a storage

³² See column 3, lines 8-39 of the Mogenis patent.

³³ See column 5, lines 7-13 of the Mogenis patent.

storing data based on a time of the recording, etc. Further, a review of Mogenis reveals that Mogenis does not disclose or suggest a financial record of any kind, as admitted by the Examiner.³⁴ Mogenis is further silent in specifying how the Recording/Archival means 212 may be accessed. Thus, Mogenis cannot disclose or suggest “accessing a financial record in the database using the client identifier” as recited in independent claims 1, 16 and 19.

With regard to the combination of Mogenis with Maes, the Examiner seeks to incorporate the teachings of Maes solely to teach of a financial record that is absent in Mogenis.³⁵

c. MAES DIRECTED TO SECURITY SYSTEM

Maes is directed to a portable information and transaction processing system and method utilizing biometric authorization and digital certificate security.³⁶ Initially, Maes establishes information associated with a user during an enrollment process.³⁷ The enrollment process includes making a voice print of the user.³⁸ Maes is generally directed to verifying user identity in order to download a digital certificate. The verification includes both Personal Identification Number (PIN) and voice print verification. Specifically, when attempting to access the digital certificate, the user speaks the PIN.³⁹ While the spoken PIN is being processed to ensure correctness, the voice pattern is also analyzed for verification purposes.⁴⁰ Thus, Maes discloses verifying a user by verifying a PIN and a voice print of the PIN.

However, as shown in Figure 4 of Maes, the steps required for user verification do not include storing the spoken PIN number into a database.⁴¹ Rather, the prompted spoken PIN is used for verification in steps 108 and 110 and then discarded.⁴² Further, the storage of the voice print during the enrollment process cannot link an audio file to a financial record because no financial record exists when a user initiates an enrollment process. Enrollment processes are well known to be only a starting point or creation point for a record. Maes states that “the central server 60 will perform speaker verification to compare the user voice

³⁴ See page 3 of the Office Action mailed on May 23, 2005.

³⁵ See pages 3-4 of the Office Action mailed on May 23, 2005.

³⁶ See abstract of the Maes patent.

³⁷ See column 7, lines 20-35 of the Maes patent.

³⁸ See column 8, lines 54-56 of the Maes patent.

³⁹ See column 8, lines 13-27 of the Maes patent.

⁴⁰ See column 8, lines 50-65 of the Maes patent.

⁴¹ See Figure 4 of the Maes patent.

⁴² See column 8, lines 50-65 of the Maes patent.

models that were processed and complied by the CPU 12 of the PDA device 10 with the user's voice prints that were stored in the central server 60 during the enrollment process. Further, the central server 60 compares the answer given by the user with the answers provided during the enrollment process to determine if they match".⁴³

d. COMBINATION OF MAES AND MOGENIS IS DEFICIENT

In view of **a.** through **c.** above, Appellant respectfully submits that the combination of Mogenis and Maes cannot disclose or suggest a method for linking an audio file to a database, comprising one, some or all of "accessing a financial record in the database using the client identifier", "recording at least a portion of the client contact as the audio file" and/or "storing the audio file on a recording media" as recited in independent claims 1 and 16 and as somewhat similarly recited in independent claim 19. At the very least, Mogenis does not access a financial record based on a client identifier, and although Maes uses a PIN for authorization, no financial record is accessed based on the verified PIN. As the combination of Mogenis and Maes fail to teach or suggest each and every feature of the claims, as required under 35 U.S.C. §103, the rejection of claims 1, 16 and 19 is improper.

e. NO MOTIVATION TO COMBINE MOGENIS AND MAES

Appellant submits that one skilled in the art would not combine the references of Mogenis and Maes. Mogenis is directed to a 911 real time information communication system. Specifically, Mogenis teaches an interface used by responding unit may use when responding to emergency communications. For example, instead of being limited to phone calls for transferring information during an emergency, the responding unit may receive video, audio and other information from a user to more quickly communicate relevant emergency information. Maes, on the other hand, is directed to a user verification system for acquiring a digital certificate in a secure fashion.

If Mogenis were to incorporate the teachings of Maes in order to verify all users upon emergency request with digital certificates, emergency response times would greatly suffer because of the laborious verification process. Similarly, if Maes were to incorporate an emergency response to requests for digital certificates, the security provided by the Maes system would likewise suffer.

⁴³ See column 8, lines 50-60 of the Maes patent.

In alleging motivation to combine Mogenis and Maes, the Examiner states that "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of Maes and Mogenis to arrive at a system of storing audio files with a record in a database to correlate the audio file with a client".⁴⁴ However, the purposes of Mogenis and Maes are different and incompatible. The teachings of Maes contradict the teachings of Mogenis, and vice versa, because the purposes of the respective references are entirely dissimilar. Maes solves no stated problem in Mogenis, there is no explicit statement in Maes, Mogenis or other prior art to support the motivation to combine and/or the Examiner has not shown that the motivation to combine Maes with Mogenis would come from the knowledge of one of ordinary skill in the art. Thus, Appellant respectfully submits that the Examiner is using impermissible hindsight to combine Mogenis and Maes as an attempt to reconstruct the claimed invention. Accordingly, Appellant respectfully submits that claims 1, 16 and 19 are allowable at least for the reason that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a).

2. Claims 2, 13-15 and 17.

Appellant submits that claims 2, 13-15 and 17, dependent on claims 1 or 16, are patentable at least for the reasons stated above with respect to claims 1 and 16.

B. Claims 6, 8, 9, 11, 18 and 20 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Dockes.

A cursory review of Dockes indicates that Dockes is silent as to one or all of the deficiencies of Mogenis or Maes with regard to claims 1, 16 and/or 19. Namely, Dockes is limited in its teaching and does not teach or suggest any of the accessing, recording or storing steps as recited in claims 1, 16 and/or 19. As such claims 6, 8, 9, 11, 18 and 20 are allowable by virtue of their dependency on allowable independent claim 1, 16 or 19.

C. Claims 3 and 4 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Dockes and DeMartin.

A cursory review of Dockes and DeMartin indicates that Dockes and DeMartin are silent as to one or all of the deficiencies in Mogenis or Maes with regard to claim 1, 16 or 19. Namely, Dockes and DeMartin are limited in their teaching and do not teach or suggest any

⁴⁴ See page 3 of the Office Action mailed on May 23, 2005.

of the accessing, recording or storing steps as recited in claims 1, 16 and/or 19. As such, claims 3 and 4 are allowable by virtue of their dependency on allowable independent claim 1.

D. Claims 5 and 10 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Kelly.

A cursory review of Kelly indicates that Kelly is silent as to one or all of the deficiencies of Mogenis or Maes with regard to claims 1, 16 and/or 19. Namely, Kelly is limited in its teaching and does not teach or suggest any of the accessing, recording or storing steps as recited in claims 1, 16 and/or 19. As such, claims 5 and 10 are allowable by virtue of their dependency on allowable independent claim 1.

E. Claims 7 and 12 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Akagari.

A cursory review of Akagari indicates that Akagari is silent as to one or all of the deficiencies of Mogenis or Maes with regard to claims 1, 16 and/or 19. Namely, Akagari is limited in its teaching and does not teach or suggest any of the accessing, recording or storing steps as recited in claims 1, 16 and/or 19. As such, claims 7 and 12 are allowable by virtue of their dependency on allowable independent claim 1.

VIII. EVIDENCE AND RELATED APPEALS APPENDICES:

As there are no related appeals and interferences, copies of decisions rendered by a court or the Board for such proceedings do not exist and have not been supplied in an Appendix pursuant to 41.37(c)(1)(x).

As no evidence was submitted and relied upon in this Appeal, an Appendix pursuant to 41.37(c)(1)(ix) has not been supplied.

IX. CONCLUSION

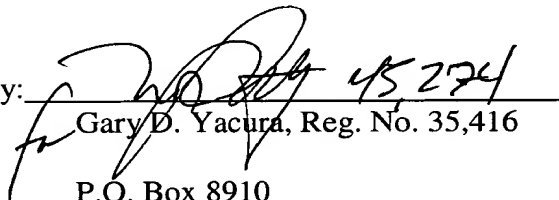
Appellant respectfully requests the Board to reverse the Examiner's anticipation and/or obviousness rejection of claims 1-20.

As a three (3) month extension to time was paid with the filing of the After Final Amendment under 37 C.F.R. § 41.33 of November 9, 2005, no additional extension of time fees are due.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Appendix X

X. CLAIMS APPENDIX

1. A method for linking an audio file to a database, the method comprising the steps of:
obtaining a client identifier during a client contact;
accessing a financial record in the database using the client identifier;
recording at least a portion of the client contact as the audio file;
storing the audio file on a recording media; and
linking the audio file to the record.
2. The method according to claim 1, wherein the step of linking the audio file to the financial record comprises storing a pointer to the audio file in a field of the financial record.
3. The method according to claim 1, wherein:
the step of storing the audio file on the recording media comprises storing the audio file in an analog format on an analog recording media; and
the step of linking the audio file to the record comprises the steps of:
digitizing the audio file;
storing the digitized audio file in a digital recording media; and
storing a pointer to the digitized audio file in a field of the record.
4. The method according to claim 1, wherein:
the step of storing the audio file on the recording media comprises storing the audio file in an analog format on an analog recording media; and
the step of linking the audio file to the record includes the steps of:
digitizing the audio file; and
storing the digitized audio file in a field of the record.

5. The method according to claim 1, wherein the step of storing the audio file on the recording media comprises the storing the audio file on a tape.
6. The method according to claim 1, wherein the step of storing the audio file on the recording media comprises the storing the audio file on a CD-R.
7. The method according to claim 1, wherein the step of storing the audio file on the recording media comprises the storing the audio file on a semiconductor memory.
8. A method according to claim 1, further comprising the steps of:
accessing a field in the record, the field having a pointer to the audio file, wherein the pointer identifies a location where the audio file is stored on the recording media; and
accessing the location on the recording media identified by the pointer.
9. The method according to claim 8, wherein the audio file is a digital audio file.
10. The method according to claim 8, wherein the recording media is a tape.
11. The method according to claim 8, wherein the recording media is a CD-R.
12. The method according to claim 8, wherein the recording media is a semiconductor memory.
13. The method according to claim 1, wherein:
the contact comprises a telephone call; and

the recording step comprises recording at least a portion of the conversation that takes place over the telephone call.

14. The method according to claim 1, wherein the recording, storing, and linking steps are performed responsive to the client contact dealing with a predefined criteria.

15. The method according to claim 1, wherein the client contact comprises a telephone call initiated by a client.

16. A method for linking an audio file to a database, the method comprising:

obtaining a client identifier during a client contact, the client identifier identifying one of a plurality of clients;

accessing a financial record in the database using the client identifier, the financial record containing information relating to an account of the identified client;

recording at least a portion of the client contact as an audio file;

storing the audio file on a recording media having stored thereon one or more audio files relating to additional clients; and

linking the audio file to the record.

17. The method according to claim 16, further comprising:

storing the date on which the audio file was recorded as part of the audio file.

18. The method according to claim 16, further comprising:

storing a pointer associated with the audio file within the financial record, the pointer identifying a location on the recording media where the associated audio file is stored.

19. A database for identifying a plurality of audio files, the database comprising:

a plurality of financial records each associated with a client identifier and accessed using the client identifier, the financial records configured to identify one or more audio files stored on a recording media relating to a client, with the one or more audio files linked to a client identified by one of the plurality of records.

20. The database according to claim 19, further comprising:

a pointer associated with each of the one or more audio files and identifying a location on the recording media where the associated audio file is stored, the pointer stored within the financial record of the client associated with the one or more audio files.